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Attorneys for Petitioner ADRIAN RISKIN

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES**

ADRIAN RISKIN,

Petitioner,

vs.

LARCHMONT VILLAGE PROPERTY  
OWNERS ASSOCIATION,

Respondent.

) Case No.: BS172934

) **DECLARATION OF ABENICIO**  
) **CISNEROS IN SUPPORT OF**  
) **PETITIONER'S EX PARTE**  
) **APPLICATION FOR ORDER TO SHOW**  
) **CAUSE RE: CONTEMPT**

) Department: 82  
) Judge: Hon. Mary H. Strobel  
) Petition Filed: March 20, 2019  
) Hearing on Petition: June 4, 2019  
) Ex Parte Requested Hearing Date: October 15,  
) 2019 (continued from September 16, 2019)

) TELEPHONE APPEARANCE

In support of this application, I, Abenicio Cisneros, state the following based upon personal knowledge:

1. I am an attorney licensed to practice before all the courts of the State of California. I am a solo practitioner and the sole attorney of the Law Offices of Abenicio Cisneros. I am the attorney of record for Petitioner Adrian Riskin ("Petitioner") in this matter. If called as a witness, I would and could competently testify as follows:

**Procedural Background**

2. On June 17, 2019, this Court entered an Order Granting Petition for Writ of Mandate in favor of Petitioner and against Respondent. Petitioner served a Notice of Entry of Judgment on Respondent on June 18, 2019. A true and accurate copy of the Notice of Entry of Judgment, including the Court's Order, is attached as Exhibit A.



1 3. The June 17, 2019, order found that the BID failed to conduct adequate searches for records.  
2 The Court directed the BID to conduct new searches and to produce any non-exempt records it  
3 located in response to Petitioner's Request 1.1 (emails between the BID—either staff of Board—  
4 and the City of Los Angeles and/or the Los Angeles Police Department sent or received from  
5 January 1, 2016, to March 31, 2017), Request 1.2 (minutes from three BID board meetings held  
6 October 13, 2014, October 15, 2015, and October 12, 2016), Request 2.1 (agendas for BID  
7 board meetings held in 2014), Request 2.2 (internal BID emails relating to the operation of the  
8 BID from October 2016), and Request 3.1 (all materials distributed at the BID's May 2017  
9 Board meeting). *Exhibit A*.

10 4. On September 16, 2019, this Court held an ex parte hearing on Petitioner's application to show  
11 cause re: contempt concerning Respondent's failure to comply with the Court's order. At that  
12 hearing, the Court continued the ex parte hearing until October 15, 2019. A true and accurate  
13 copy of the minute order from that hearing is attached as Exhibit B.

14 **Summary of September 16, 2019, ex parte hearing**

15 5. At the September 16, 2019, hearing, Respondent did not dispute that the Court had issued a  
16 valid order against it and demonstrated knowledge of the order. The Court admonished  
17 Respondent's counsel that—in order to show compliance with the Court's order—it is insufficient  
18 for Respondent's counsel to merely assert that he had spoken with some individuals at the BID  
19 and they represent they did not find anything. The Court suggested that Respondent provide  
20 declarations indicating which individuals conducted the court-ordered searches, the parameters  
21 of the searches, and the results of the searches. The Court directed Respondent to lodge those  
22 declarations with the Court five (5) court days prior to the October 15, 2019, hearing. *Exhibit B*.

23 6. Also at the September 16, 2019, hearing the Court directed Petitioner that, if Petitioner wished  
24 to seek an order to show cause re: contempt, that Petitioner should—five (5) court days prior to  
25 the October 15, 2019, hearing—lodge with the Court an affidavit that more clearly sets forth the  
26 necessary elements of contempt, along with a charging affidavit which clearly names an  
27 individual to be personally present and arraigned. *Exhibit B*.



**Summary of Petitioner's efforts to obtain compliance with the Court's order prior to the September 16 hearing**

7. After the Court issued its June 17, 2019, order, and prior to the September 16, 2019, ex parte hearing, I contacted Respondent's counsel, J. Thomas Cairns, no fewer than 15 times between July 20, 2019 and August 29, 2019, regarding Respondent's production of records in response to the Court's Order. A true and accurate copy of pre-September 16 email correspondence between myself and Mr. Cairns is attached as Exhibit C.
8. The BID ignored the large majority of those communications and the BID only made two representations regarding compliance with the Court's Order: (1) on July 26, Mr. Cairns stated via email that he was "in the process of inquiring whether the members of the LVBID board and its 2 outside executives as to the results of the further searches they have been instructed to undertake...I should have an update for you next week" (*Exhibit C*); and (2) in an August 16 telephone call Mr. Cairns represented that he believed no additional records were located but that he was collecting declarations from BID Board and Staff which would detail the searches that took place.
9. I informed the BID via email on both August 26 and August 29 that I would soon initiate compliance proceedings if the BID did not provide the promised declarations regarding its searches. *Exhibit C*.
10. While Mr. Cairns indicated on August 16 that it is possible no responsive records exist, at no time prior to the September 16, 2019, hearing did the BID make any representation regarding the evidence in the Petition which indicates that responsive records do, in fact, exist.
11. At no time prior to the September 16, 2019, hearing did the BID provided a date upon which it planned to provide records or declarations regarding its search for records.

**Summary of Petitioner's efforts to obtain compliance with the Court's order after the September 16, 2019, hearing.**

12. Subsequent to the September 16, 2019, hearing, I contacted Respondent seven (7) times via email in an effort to obtain proof of compliance with the Court's order and to avoid using further court resources in this matter. I informed Respondent that, if it provided the declarations



1 showing compliance, Petitioner would no longer seek an order to show cause re: contempt. I  
2 emailed Respondent on the following dates: September 25, 2019, September 26, 2019,  
3 September 27, 2019, September 29, 2019, October 2, 2019, October 3, 2019, and October 6,  
4 2019. A true and accurate copy of post-September 16 email correspondence between myself and  
5 Mr. Cairns is attached as Exhibit D.

6 13. The BID ignored the majority of those communications and only provided two responses. On  
7 September 29, 2019, Respondent's counsel represented that the BID "intends to furnish the  
8 declarations" and that there was no need for Petitioner "to do unnecessary work." When, via  
9 email sent on October 2, Petitioner informed Respondent that—in light of the deadline to lodge  
10 materials five (5) court days prior to the October 15, 2019, hearing—the declarations must be  
11 provided by close of business on Friday, October 4, 2019, or Petitioner would be forced to  
12 prepare additional materials, Respondent's counsel replied, "I hope to have them to you by  
13 then." *Exhibit D.*

14 14. The BID did not provide the requested declarations by Friday October 4, 2019. Neither did the  
15 BID take any other steps to demonstrate compliance. As of this date, the BID has failed to  
16 provide even a single record in response to the Court's Order.

17 15. I gave notice to Respondent as per California Rule of Court 3.1204 by sending an email to  
18 Respondent's attorney J. Thomas Cairns sent at 3:35 p.m. local time in Prague, Czech Republic,  
19 on October 7, 2019. I informed Respondent of the nature of the relief sought, and the date time  
20 and place for the presentation of the application and I inquired as to whether Respondent would  
21 appear to oppose the application. Mr. Cairns responded indicating that he would be appearing  
22 via telephone on behalf of Respondent. A true and accurate copy of that email is attached as  
23 Exhibit E.

24 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
25 true and correct of my own personal knowledge. Executed this 7th day of October 2019 at  
26 Prague, Czech Republic.



1 Dated: October 7, 2019

By: \_\_\_\_\_

Abenicio Cisneros, Esq.

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**EXHIBIT A**







PLAINTIFF/PETITIONER: Adrian Riskin	CASE NUMBER: BS172934
DEFENDANT/RESPONDENT: Larchmont Village Property Owners Association	

**PROOF OF SERVICE BY FIRST-CLASS MAIL  
NOTICE OF ENTRY OF JUDGMENT OR ORDER**

**(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)**

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is *(specify)*:

2443 Fillmore St. #380-7379, San Francisco CA 94115

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and *(check one)*:

- a. ☒ deposited the sealed envelope with the United States Postal Service.  
b. ☐ placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was mailed:

- a. on *(date)*: June 18, 2019  
b. from *(city and state)*: Fallbrook CA

4. The envelope was addressed and mailed as follows:

- a. Name of person served:

J.T. Cairns

Street address: 200 N. Larchmont Blvd

City: Los Angeles, CA

State and zip code: 90004-3707

- c. Name of person served:

Street address:

City:

State and zip code:

- b. Name of person served:

Street address:

City:

State and zip code:

- d. Name of person served:

Street address:

City:

State and zip code:

☐ Names and addresses of additional persons served are attached. *(You may use form POS-030(P).)*

5. Number of pages attached 15.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: June 18, 2019

Abenicio Cisneros

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)



1 ABENICIO CISNEROS [SBN 302765]  
2 2443 Fillmore St. #380-7379  
3 San Francisco, CA 94115  
4 707-653-0438  
5 acisneros@CAPublicRecordsLaw.com

6 Attorney for ADRIAN RISKIN

**FILED**  
Superior Court of California  
County of Los Angeles

06/17/2019

Nancy D. Smith, Clerk

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR THE COUNTY OF LOS ANGELES**

9  
10 ADRIAN RISKIN,

11 Petitioner,

12 vs.

13 LARCHMONT VILLAGE PROPERTY  
14 OWNERS ASSOCIATION,

15 Respondent.  
16  
17  
18

) Case No.: BS172934

) **[PROPOSED] ORDER GRANTING**  
) **PETITION FOR WRIT OF MANDATE**

) **DEPT: 82**  
) **JUDGE: HON. MARY H. STROBEL**

19  
20 This matter came on for hearing on June 4, 2019, in Department 82. All parties were  
21 represented through their respective attorneys. At that hearing, the Court adopted its tentative ruling  
22 as the order of the Court, as set forth in the minute order attached as EXHIBIT A, and which serves  
23 as the Statement of Decision pursuant to California Rules of Court, Rule 3.1590(c)(1).

24 IT IS ORDERED and ADJUDGED that:

- 25 1. The Petition is GRANTED as to Requests 1.1, 1.2, 2.1, 2.2, and 3.1, as discussed in  
26 the tentative ruling.  
27 2. Petitioner is the prevailing party and may bring a separate motion for attorney's fees  
28 pursuant to Cal. Gov. Code § 6259(d).



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3. Respondent is ORDERED to conduct an additional search for, and to produce, non-exempt records responsive to Requests 1.1, 1.2, 2.1, 2.2, and 3.1 as described in Exhibit A and the Petition for Writ of Mandate.

DATED: , 2019

06/17/2019

HON. MARY H. STROBEL



*Mary H. Strobel*

Mary H. Strobel/Judge



**EXHIBIT A**



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 82

**BS172934**

**ADRIAN RISKIN VS LARCHMONT VILLAGE PROPERTY  
OWNERS ASSOCIATI**

June 4, 2019

9:30 AM

Judge: Honorable Mary H. Strobel  
Judicial Assistant: N DiGiambattista  
Courtroom Assistant: B Hall

CSR: S Brock/CSR 10025  
ERM: None  
Deputy Sheriff: None

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**APPEARANCES:**

For Petitioner(s): Abenicio J. Cisneros (x)

For Respondent(s): Larchmont Village Property Owners Asociat BY: J.T. Cairns (x)

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**NATURE OF PROCEEDINGS: HEARING ON PETITION FOR WRIT OF MANDATE**

Matter comes on for hearing. All counsel are provided with the court's tentative ruling.

Counsel for respondent's oral request to continue the hearing is made, argued and denied for the reasons set forth by the court on the record.

The court adopts its tentative ruling as the order of the court and is set forth in this minute order.

Petitioner Adrian Riskin ("Petitioner") petitions for a writ of mandate directing Respondent Larchmont Village Property Owners Association ("Respondent") to conduct an additional search for, and to produce, records responsive to Petitioner's requests for public records.

**Judicial Notice**

Petitioner's RJN Exhibits A, B – Granted.

**Statement of Facts**

Respondent is a property owners' association pursuant to the Property and Business Improvement District Law of 1994, California Streets & Highway Code §§ 36600, et seq. Respondent contracts with the City of Los Angeles and other entities to manage the Larchmont Village Business Improvement District ("the BID"). Respondent is subject to the CPRA both as a matter of state law and under the terms of its contract with the City of Los Angeles. (Pet. ¶ 6; RJN Exh. A; Streets & Highways Code § 36612.)

**Petitioner's CPRA requests**



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

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ERM: None  
Deputy Sheriff: None

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This writ action concerns three CPRA requests Petitioner submitted to Respondent in April and May 2017. (Riskin Decl. ¶ 2.)

**Request 1**

The April 16, 2017, request ("Request 1") sought three categories of records: (1) emails between anyone at the BID and anyone at the domains "lacity.org" or "lapd.online" from between January 1, 2016, and March 31, 2017; (2) copies of the minutes of BID board meetings which took place on October 13, 2014, October 15, 2015, and October 12, 2016; and (3) contracts between the BID and any consultants it used during its most recent renewal process. 1 (Riskin Decl. Exh. A.)

After Respondent failed to respond within 10 days as directed by Cal. Gov. Code section 6253(c), Petitioner sent a follow-up email on May 2, 2017. (Riskin Decl. ¶ 3, Exh. B.) Petitioner sent a second follow-up email on May 11, 2017. (Ibid.) On February 17, 2018, having received no response for 10 months, Petitioner sent a final follow-up message. (Ibid.) Respondent did not respond prior to the filing of the writ petition. (Riskin Decl. ¶ 4.)

**Request 2**

The April 17, 2017, request ("Request 2") sought two categories of records: (1) agendas for all BID board meetings from January 1, 2014, through "the present"; and (2) all emails between anyone at the BID—staff or board member—from October 2016 that relate to the October 2016 board meeting and, if those emails were very few, all emails related to the operation of the BID from October 2016. (Riskin Decl. Ex. A.)

After Respondent failed to respond within 10 days, Petitioner sent a follow-up email on April 28, 2017. (Riskin Decl. ¶ 3, Exh. B; Pet. ¶ 23, Exh. G.) After receiving no response, Petitioner sent a second follow-up email on May 11, 2017. (Riskin Decl. Exh. B.) Respondent responded on May 16, 2017, but failed to provide records, confirm the existence of records, or provide a determination of disclosability. Rather, Respondent stated that it was reviewing the request and expected to respond further within 14 days. (Riskin Decl. ¶ 4, Exh. C.) Respondent did not respond further within 14 days. (Ibid.) Hearing nothing from Respondent regarding the request, Petitioner sent a final follow-up email regarding Request 2 on February 17, 2018. (Riskin Decl. ¶ 3, Exh. B.) Respondent did not respond. (Riskin Decl. ¶ 4.)

**Request 3**



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

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Deputy Sheriff: None

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The May 2, 2017, request sought a single category of records: electronic copies of all material distributed at the BID's May 2, 2017, board meeting. (Riskin Decl. ¶ 2, Exh. A.) After Respondent failed to respond within 10 days, Petitioner sent a follow-up email on May 30, 2017. (Riskin Decl. ¶ 3, Exh. B.) In addition to inquiring as to the status of Request 3, Petitioner informed Respondent of its duties under the Brown Act and offered to inspect the records in person upon request. (Ibid.) Respondent did not respond. (Riskin Decl. ¶ 4.) Petitioner sent a final follow-up email on February 17, 2018. (Riskin Decl. ¶ 3, Exh. B.) Respondent did not respond prior to Petitioner filing the petition on March 20, 2018. (Riskin Decl. ¶ 4.)

Petitioner Files Petition; No Answer Filed

On March 20, 2018, Petitioner filed his verified petition for writ of mandate. On April 26, 2018, Petitioner filed proof of service of the verified petition on Respondent by personal service on April 3, 2018.

A trial setting conference was held July 10, 2018, and was attended by counsel for Petitioner and Respondent. The court set the petition for hearing on May 16, 2019 and set a briefing schedule. Petitioner's opening brief was due 60 days before the hearing, the opposition 30 days, and the reply 15 days. The court also set a deadline of August 10, 2018 for Respondent to file an answer or other response to the petition. The minute order states that "all papers are to be personally served unless counsel stipulate to an alternate form of same-day service." Notice of this order was waived.

Respondent did not file an answer, or any other response, to the petition. Accordingly, the factual allegations of the writ petition are accepted as true. (CCP § 1094; Bank of America, N.A. v. Sup.Ct. (2013) 212 Cal.App.4th 1076, 1084 ["In the absence of a true return, all well-pleaded and verified allegations of the writ petition are accepted as true."].)

On March 14, 2019, Petitioner filed his opening brief in support of the writ petition and supporting declarations. On April 18, 2019, Petitioner filed proof of service of the opening brief, showing personal service on Respondent on March 15, 2019. No opposition brief to the writ petition was filed.

The court held a hearing on the writ on May 16, 2019. Respondent's counsel contended that Respondent did not file an answer or any opposition to the petition because Respondent had not been properly served. Respondent's counsel asserted that he had made a "special appearance" at the July 10, 2018 trial setting conference and had informed the court Respondent had not been



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

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properly served. The court continued the hearing until June 4, 2019 so that the transcript of the July 10, 2018 hearing could be obtained.

Respondent Made a General Appearance.

The July 10, 2018 transcript shows that Mr. Cairns, counsel for Respondent, appeared telephonically at the trial setting conference. Mr. Cairns stated his appearance for Respondent, and at no time indicated he was making a "special appearance." Nor did Mr. Cairns at any time indicate Respondent was contesting service. Mr. Cairns asked to draw the court's attention to the fact Petitioner had filed many similar lawsuits against business improvement districts. The court indicated counsel could file a notice of related cases if he so wished. The court set the trial date and briefing schedule without objection from counsel.

The court then asked Mr. Cairns if Respondent was planning to respond to the petition, after which the following statement was made by Mr. Cairns:

"Yes, your honor. I believe we are. The statute – the explicit statute that's mentioned in the petition, and under which he is being sued, is section 6258 of the Government Code, and which is a portion of the Public Records Act. That section provided – it says the times for responsive pleadings and for hearings in these proceedings shall be set by the judge of the court, and I'm not aware of any such setting yet. I'd ask your honor maybe for – oh, I've got a vacation planned – maybe 45 or 60 days to file a response to the petition?"

The court set the date for the responsive pleading to be filed. Mr. Cairns then stated "Okay. We will file a response by the 10th of August."

Respondent made a general appearance at the trial setting conference. "A general appearance occurs where a party, either directly or through counsel, participates in an action in in some manner which recognizes the authority of the court to proceed. It does not require any formal or technical act." *Mansour v. Superior Court* (1995) 38 Cal.App.4th 1750, 1756. Having made a general appearance, Respondent waived its right to bring a motion to quash under CCP §418.10.

Respondent Produces Some Responsive Records

Respondent produced a portion of the responsive records via emails sent by the Respondent's attorney on September 14, 2018, ("Batch 1") and November 5, 2018 ("Batch 2"). (Cisneros Decl.



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¶¶ 2, 3.) The responsive records included several emails responsive to Request 1.1, a contract responsive to Request 1.3, and three meeting agendas responsive to Request 2.1. (Riskin Decl. ¶¶ 6, 7.) However, the production contained many nonresponsive records. (Cisneros Decl. ¶¶ 2, 3.) Further, Petitioner contends that no records were provided in response to Requests 1.2, 2.2, or 3.1. (Cisneros Decl. ¶¶ 7, 8, 9.) The court further discusses the adequacy of Respondent's search and production of records in the Analysis section below.

**Summary of Applicable Law**

Pursuant to the CPRA (Gov. Code § 6250, et seq.), individual citizens have a right to access government records. In enacting the CPRA, the California Legislature declared that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (Gov. Code, § 6250; see also *County of Los Angeles v. Superior Court* (2012) 211 Cal.App.4th 57, 63.) To facilitate the public's access to this information, the CPRA mandates, in part, that:

[E]ach state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available . . ." (Gov. Code § 6253(b).)

The CPRA defines "public records" subject to its provisions as follows:

(e) "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. "Public records" in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975. (Gov. Code § 6252(e).)

"The definition is broad and intended to cover every conceivable kind of record that is involved in the governmental process." (*Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385, 1418.)

While the CPRA provides express exemptions to its disclosure requirements, these exemptions must be narrowly construed and the agency bears the burden of showing that a specific exemption applies. (*Sacramento County Employees' Retirement System v. Superior Court* (2013) 195 Cal.App.4th 440, 453.)



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“Records requests ... inevitably impose some burden on government agencies. An agency is obliged to comply so long as the record can be located with reasonable effort.” (California First Amendment Coalition v. Sup.Ct. (1998) 67 Cal.App.4th 159, 165-166.)

“Reasonable efforts do not require that agencies undertake extraordinarily extensive or intrusive searches, however. [Citation.] In general, the scope of an agency's search for public records ‘need only be reasonably calculated to locate responsive documents.’” (City of San Jose v. Sup.Ct. (2017) 2 Cal.5th 608, 627.) “CPRA does not prescribe specific methods of searching for those documents. Agencies may develop their own internal policies for conducting searches. Some general principles have emerged, however. Once an agency receives a CPRA request, it must ‘communicate the scope of the information requested to the custodians of its records,’ although it need not use the precise language of the request. [Citation.] As to requests seeking public records held in employees' nongovernmental accounts, an agency's first step should be to communicate the request to the employees in question. The agency may then reasonably rely on these employees to search their own personal files, accounts, and devices for responsive material.” (Id. at 627-628.)

**Analysis**

Petitioner contends that his CPRA requests sought disclosable records that Respondent had a duty to produce; that Respondent failed to produce records before this litigation was filed; and that Respondent's post-litigation production is incomplete. (Opening Brief (OB) 6-12.) For this writ proceeding, the pertinent legal issues are whether Petitioner has shown that (1) Respondent has not produced responsive, non-exempt public records; and/or (2) that Respondent has failed to conduct a reasonable search for responsive records.

**Petitioner Seeks Public Records**

Respondent is subject to the CPRA both as a matter of state law and under the terms of its contract with the City of Los Angeles. (Pet. ¶ 6; RJN Exh. A; Streets & Highways Code § 36612.) All of Petitioner's CPRA requests at issue appear to seek public records, including (1) emails of agency officials regarding public business, and (2) materials related to BID board meetings. Unless an exemption applies, emails by agency officials about public business are subject to the CPRA, even if located on private accounts or devices. (See City of San Jose, *supra*.)



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**No Claimed Exemptions**

The agency bears the burden of showing that a specific exemption applies. (Sacramento County Employees' Retirement System v. Superior Court (2013) 195 Cal.App.4th 440, 453.) Respondent has asserted any CPRA exemptions and has not shown that any exemptions apply.

**Respondent's Post-Litigation Production is Incomplete**

Respondent failed to provide any records prior to Petitioner's filing of the writ petition. After the petition was filed, Respondent produced records on September 14, 2018 and November 5, 2018 (Batch 1 and Batch 2, respectively.) Petitioner contends that Respondent's production was incomplete and that Respondent did not conduct a reasonable search for responsive records. (OB 10-12.) Petitioner has supported both arguments with evidence and reasoned analysis, as discussed below. Respondent has not responded to the opening brief and apparently concedes its production and search were incomplete.

**Request 1.1**

Request 1.1 seeks emails between anyone at the BID, "staff or board," and anyone at either lacity.org or lapd.online from January 1, 2016 to March 31, 2017. With Batch 1, Respondent produced one responsive email from December 2016. (Riskin Decl. ¶ 6.) Respondent did not produce any responsive emails between BID and LAPD. (Cisneros Decl. ¶ 9.) Through a separate CPRA request to the Los Angeles City Clerk, non-party Anna von Herrmann obtained the following records from City on February 26, 2018: a January 4, 2017 email from the City Clerk's office (with an "lacity.org" email) to BID President Tom Kneafsey; an email thread from February 3, 2017 between Kneafsey and City regarding BID insurance; and a March 1, 2017 email between BID co-executive directors Heather Boylston and Rebecca Hutchinson and City. (von Herrmann Decl. ¶ 4, Exh. C.) These emails appear responsive to request 1.1, and were not produced by Respondent to Petitioner. Thus, it appears Respondent has additional responsive records within its possession or has not conducted an adequate search. Respondent has not argued to the contrary.

**Request 1.2**

Request 1.2 seeks minutes from three BID board meetings held October 13, 2014, October 15, 2015, and October 12, 2016. It is reasonable to infer that the BID maintains minutes of its board meetings. Petitioner's attorney declares that neither Batch 1 nor Batch 2 included records



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 82

**BS172934**

**ADRIAN RISKIN VS LARCHMONT VILLAGE PROPERTY  
OWNERS ASSOCIATI**

June 4, 2019

9:30 AM

Judge: Honorable Mary H. Strobel  
Judicial Assistant: N DiGiambattista  
Courtroom Assistant: B Hall

CSR: S Brock/CSR 10025  
ERM: None  
Deputy Sheriff: None

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responsive to this request. (Cisneros Decl. ¶ 8.) With its production, Respondent did not include a letter explaining which documents were responsive to which requests or clarifying whether Respondent withheld any records subject to exemption. (Id. ¶¶ 2-3.) Respondent does not oppose this evidence, which supports that Respondent has not adequately responded to Request 1.2 or has not conducted an adequate search.

**Request 1.3**

Request 1.3 seeks the contract with any consultants that assisted with the BID's most recent renewal of its contract with City. Respondent produced an adequate response to this request. (See OB 11:5-6.)

**Requests 2.1 and 3.1**

Request 2.1 seeks agendas from Board meetings from 2014. Request 3.1 seeks all materials distributed at the BID's May 2017 Board meeting.

In Batch 1, Respondent produced agendas for three meetings: May 22, 2014, May 18, 2016, and May 24, 2018. (Riskin Decl. ¶ 6.) Petitioner submits evidence that the BID board held meetings on other dates since 2014, including October 12, 2016 and May 2, 2017. (von Herrmann Decl. ¶¶ 2-3, Exh. A, B.) The BID is required to publish all board meeting agendas. (Gov. Code § 54954(a).)

Petitioner's attorney declares that neither Batch 1 nor Batch 2 included records responsive to Request 3.1. (Cisneros Decl. ¶ 8.) Petitioner also submits evidence to support that BID distributed materials at the May 2017 BID board meeting, including a biography of a new board member and revised bylaws to be evaluated. (von Herrmann Decl. ¶3, Exh. B.) Information distributed at a meeting subject to the Brown Act is public and disclosable. (Gov. Code § 54957.5(a).)

It is reasonable to infer Respondent has additional, responsive records for Requests 2.1 and 3.1 that it did not produce, or that it did not conduct a reasonable search. Also, Respondent has not claimed any exemptions, asserted that it produced all responsive records, or asserted that it had no responsive records in its possession.

**Request 2.2**



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 82

**BS172934**

**ADRIAN RISKIN VS LARCHMONT VILLAGE PROPERTY  
OWNERS ASSOCIATI**

June 4, 2019

9:30 AM

Judge: Honorable Mary H. Strobel  
Judicial Assistant: N DiGiambattista  
Courtroom Assistant: B Hall

CSR: S Brock/CSR 10025  
ERM: None  
Deputy Sheriff: None

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Request 2.2 seeks internal BID emails relating to the October 2016 board meeting, or emails related to operation of the BID in October 2016. The request seeks public records. Petitioner's attorney declares that neither Batch 1 nor Batch 2 included records responsive to Request 2.2. (Cisneros Decl. ¶ 8.) Given the deficiencies in Respondent's search, discussed above, it is reasonable to infer that Respondent did not conduct a sufficient search for records responsive to this request.

In addition to the analysis above, for Requests 1.1, 1.2, 2.1, 2.2, and 3.1, Respondent has not claimed any exemptions, asserted that it produced all responsive records, or asserted that it had no responsive records in its possession.

The petition is GRANTED as to Requests 1.1, 1.2, 2.1, 2.2, and 3.1, as discussed above.

**Attorney's Fees**

In a CPRA action, "the court shall award court costs and reasonable attorney fees to the plaintiff should the plaintiff prevail in litigation filed pursuant to this section." (Gov. Code § 6259(d).) Petitioner is the prevailing party. Petitioner may bring a separate motion for attorney's fees. (OB 12; Gov. Code § 6259(d).)

**Conclusion**

The petition is GRANTED as to Requests 1.1, 1.2, 2.1, 2.2, and 3.1, as discussed above. Counsel for Petitioner to lodge and serve a proposed order directing Respondent to conduct an additional search for, and to produce, non-exempt records responsive to those requests.

**FOOTNOTE:**

1- Like Petitioner, the court refers to these subparts as Requests 1.1., 1.2, and 1.3, respectively. The court uses the same format (i.e. Requests 2.1 and 2.2) for the two subparts of Request 2.

Counsel for petitioner is to give notice and to prepare, serve and e-file the proposed order, along with a declaration which states whether counsel for respondent has any objections to the proposed order. The court will hold the proposed order ten days if there are objections.



**EXHIBIT B**



1 Abenicio Cisneros [SBN 302765]  
2443 Fillmore St. #380-7379  
2 San Francisco, CA 94115  
707-653-0438  
3 acisneros@capublicrecordslaw.com

4 Attorney for ADRIAN RISKIN

5

6

7

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

8

**FOR THE COUNTY OF LOS ANGELES**

9

10 ADRIAN RISKIN

11 Petitioner,

12 vs.

13 LARCHMONT VILLAGE PROPERTY  
OWNERS ASSOCIATION

14

15 Respondent.

16

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18

19

20 I, Abenicio Cisneros, declare under oath as follows:

21 1. I am a duly licensed attorney representing Petitioner in this matter.

22 2. On Friday, June 7, 2019, I submitted a draft of the proposed order in this matter via  
23 email to Respondent's attorney J.T. Cairns for approval as to form.

24 3. On June 12, 2019, Mr. Cairns responded via email approving as to form with minor  
25 corrections as to date and signature line.

26 I declare under the penalty of perjury under the laws of the state of California that the foregoing is  
27 true and correct.

28

) Case No.: BS172934

) **DECLARATION OF ABENICIO**  
) **CISNEROS RE PROPOSED ORDER**

) **DEPT: 82**

) **JUDGE: Hon. Mary H. Strobel**

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2 DATED: June 13, 2019

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ABENICIO CISNEROS  
Attorney for Petitioner

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**EXHIBIT B**



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 82

**BS172934**

**ADRIAN RISKIN VS LARCHMONT VILLAGE PROPERTY  
OWNERS ASSOCIATI**

September 16, 2019

8:30 AM

Judge: Honorable Mary H. Strobel  
Judicial Assistant: N. Marshalian  
Courtroom Assistant: B. Hall

CSR: None  
ERM: None  
Deputy Sheriff: None

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**APPEARANCES:**

For Petitioner(s): Abenicio J. Cisneros (Telephonic) (x)

For Respondent(s): Larchmont Village Property Owners Asociat by Thomas Cairns (x)  
(Telephonic)

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**NATURE OF PROCEEDINGS:** Hearing on Ex Parte Application for osc re contempt

The matter is called for hearing and argued.

Hearing on Ex Parte Application for osc re contempt is continued to 10/15/2019 at 09:30 AM in Department 82 at Stanley Mosk Courthouse.

The continuance is to allow time for Respondent to file declarations regarding who undertook a search for documents, how the search(es) were conducted and the result of the search(es) to produce the requested documents set forth in the Order dated June 17, 2019.

.  
Declarations regarding the above are to be be filed and served five court days prior to the hearing date.

.  
Petitioner is to file a charging affidavit which more clearly states the charges in a factual way including to whom it is specifically directed. This is to be filed and served five court days prior to the hearing date.

.  
Counsel for Petitioner is to give notice.



**EXHIBIT C**





Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Update on ordered production - Riskin v. Larchmont BID CPRA

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>

Sat, Jul 20, 2019 at 1:16 PM

To: Tom Cairns <jtcairns@ca.rr.com>

Tom,

I'm following up on the ordered production in this matter.

Please let me know when the BID will produce. It is my hope that enforcement proceedings will not be necessary.

For convenience, find a copy of the order attached.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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**Signed Notice of Entry of Order.pdf**

854K





Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Update on ordered production - Riskin v. Larchmont BID CPRA

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>

Mon, Jul 22, 2019 at 3:54 PM

To: Tom Cairns <jtcairns@ca.rr.com>

Tom,

I called and left a voicemail today regarding this. Please let me know when the BID will comply with Judge Strobel's order in this matter. It is my hope that enforcement proceedings will not be necessary.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Update on ordered production - Riskin v. Larchmont BID CPRA

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>

Wed, Jul 24, 2019 at 9:45 AM

To: Tom Cairns <jtcairns@ca.rr.com>

Tom,

I'm following up on this again. If I do not receive a response by the end of this week I will begin enforcement proceedings which will, obviously, result in higher legal fees for the BID.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Update on ordered production - Riskin v. Larchmont BID CPRA

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>

Fri, Jul 26, 2019 at 3:47 PM

To: Tom Cairns <jtcairns@ca.rr.com>

Tom,

I am following up on this. I would really rather we resolve this without the need for additional enforcement proceedings, which will only cost the BID more money. Please let me know when the BID is prepared to provide records to comply with the Order.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Update on ordered production - Riskin v. Larchmont BID CPRA

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**jtcairns@ca.rr.com** <jtcairns@ca.rr.com>

Fri, Jul 26, 2019 at 4:03 PM

To: Abenicio Cisneros <acisneros@capublicrecordslaw.com>

Cc: jtcairns@ca.rr.com

Abenicio,

Sorry for the delay in getting back to you. I just recently returned from vacation. I am in the process of inquiring whether the members of the LVBID board and its 2 outside executives as to the results of the further searches they have been instructed to undertake. Though it appears that some of them are on vacation as well, I should have an update for you next week.

Best Regards,

Tom Cairns

[Quoted text hidden]





Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Update on ordered production - Riskin v. Larchmont BID CPRA

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>

Fri, Jul 26, 2019 at 4:28 PM

To: Tom Cairns <jtcairns@ca.rr.com>

Tom,

Thank you for the update. I'm glad to hear it.

Regarding the fee motion, I'd like to have disclosure squared away before I file the fee motion so that, if there are any problems, I will not have to file a second fee motion arising from an enforcement proceeding. Let me know if you are willing to stipulate to extend the time to file a fee motion pursuant to CRC 3.1702. If so, I will prepare the stipulation for you to review and sign.

I'd still prefer to stipulate to fees if the BID is amenable, which would save the BID several thousand dollars in "fees on fees" arising from me preparing a fee motion. You have previously not responded to my offers. If you indicate the BID is amenable to stipulating to fees, I will prepare an updated offer.

Thank you.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Update on ordered production - Riskin v. Larchmont BID CPRA

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>

Mon, Jul 29, 2019 at 11:06 AM

To: Tom Cairns <jtcairns@ca.rr.com>

Tom,

I just want to make sure this email didn't get lost in the shuffle over the weekend. Let me know about the stipulate and whether the BID is amenable to settle fees when you get a chance.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Update on ordered production - Riskin v. Larchmont BID CPRA

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**jtcairns@ca.rr.com** <jtcairns@ca.rr.com>

Mon, Jul 29, 2019 at 2:15 PM

To: Abenicio Cisneros <acisneros@capublicrecordslaw.com>

Cc: jtcairns@ca.rr.com

Got it. Will be back to you shortly.

[Quoted text hidden]





Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Update on ordered production - Riskin v. Larchmont BID CPRA

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>

Tue, Jul 30, 2019 at 1:40 PM

To: Tom Cairns <jtcairns@ca.rr.com>

Cc: Tom Cairns <jtcairns@ca.rr.com>

Tom,

Following up again. The matter regarding stipulating to extend the time for a fees motion is the most urgent. I can draft the stipulation if you are amenable. Can you let me know today?

Thank you.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Update on ordered production - Riskin v. Larchmont BID CPRA

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>

Wed, Jul 31, 2019 at 11:14 AM

To: Tom Cairns <jtcairns@ca.rr.com>

Tom,

Following up on that stipulation as to time to file the fee motion again today. Thank you.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Update on ordered production - Riskin v. Larchmont BID CPRA

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jtcairns@ca.rr.com <jtcairns@ca.rr.com>

Wed, Jul 31, 2019 at 12:18 PM

To: Abenicio Cisneros <acisneros@capublicrecordslaw.com>

Abenicio,

To respond to your request, I need to know the date you have reserved for your fee motion. I seem to recall that you told me something about reserving a date, but I can't find that in my calendar.

Thanks,

Tom

[Quoted text hidden]





Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Update on ordered production - Riskin v. Larchmont BID CPRA

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>

Wed, Jul 31, 2019 at 12:22 PM

To: Tom Cairns <jtcairns@ca.rr.com>

Tom,

The hearing date is November 21 but the motion is due August 16 (since it is counted forward from the entry of order, not backwards from the hearing).

I'd like to push the August 16 date out out so we can get production squared away. See CRC 3.1702.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Update on ordered production - Riskin v. Larchmont BID CPRA

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>

Wed, Jul 31, 2019 at 12:23 PM

To: Tom Cairns <jtcairns@ca.rr.com>

Of course, if the BID stipulates to fees, then a motion would be unnecessary.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Update on ordered production - Riskin v. Larchmont BID CPRA

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**jtcairns@ca.rr.com** <jtcairns@ca.rr.com>

Wed, Jul 31, 2019 at 12:48 PM

To: Abenicio Cisneros <acisneros@capublicrecordslaw.com>

How about 30 days (to 9/16)? If we think we are making progress on a stip at that time, we could consider a further one.

[Quoted text hidden]





Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Update on ordered production - Riskin v. Larchmont BID CPRA

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>

Mon, Aug 5, 2019 at 12:51 PM

To: Tom Cairns <jtcairns@ca.rr.com>

Thank you. I appreciate it.

Is there any update from the BID on the ordered production in this matter?

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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## Writ compliance and fee settlement

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Abenicio Cisneros <acisneros@capublicrecordslaw.com>

Tue, Aug 13, 2019 at 8:00 AM

To: Tom Cairns <jtcairns@ca.rr.com>

Tom,

I am following up again on the BID's compliance with Judge Strobel's order. We extended the deadline for a fee motion so the BID had more time to comply, and you informed me on July 26 that the Board would be conducting searches as per the order and that you would update me the following week. Please update me asap as to when the BID will finish the searches and produce additional documents.

**If I do not hear back from you before the end of the week regarding compliance with the order, I will begin compliance proceedings and the BID will be liable for those additional fees.**

You indicated that the BID may wish to stipulate to fees rather than proceed via fee motion. As you know, if we do not come to agreement, the BID will be responsible for the fees incurred on the fee motion itself.

**If the BID complies with the order, such that additional enforcement proceedings are not necessary, I offer to settle the BID's fee liability for \$30,876.45.**

That amount reflects 76.5 hours billed at \$350/hr, 23.5 hours of travel time billed at 1/3 of \$350/hr, and costs in the amount of \$1,387.20.

Those rates are for settlement purposes only in an effort to conserve judicial resources. I believe that \$350/hr is under market rate and I reserve the right to seek a full market rate in a fee motion if the BID does not settle. I also reserve the right to seek full compensation for all travel time.

Please let me know if you have any questions or if you would like to discuss via telephone. Thank you.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Writ compliance and fee settlement

---

**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>

Wed, Aug 14, 2019 at 1:21 PM

To: Tom Cairns <jtcairns@ca.rr.com>

Tom,

Just following up on this. Thank you.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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[Quoted text hidden]





Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Writ compliance and fee settlement

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>

Mon, Aug 26, 2019 at 12:03 PM

To: Tom Cairns <jtcairns@ca.rr.com>

Tom,

Time is short to work something out without me having to prepare a fee motion/proceed to writ enforcement.

Any update on the declarations? Any feedback from your client on the fee settlement?

Thank you.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Writ compliance and fee settlement

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>  
To: Tom Cairns <jtcairns@ca.rr.com>

Tue, Aug 27, 2019 at 2:11 PM

Tom,

Any update on this?

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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[Quoted text hidden]





Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Writ compliance and fee settlement

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>

Thu, Aug 29, 2019 at 5:00 PM

To: Tom Cairns <jtcairns@ca.rr.com>

Tom,

I called and left a voicemail today. The BID has yet to comply with the order, or provide any declarations showing an attempt at compliance. Further, the BID has yet to indicate that it is willing to settle and has provided no response to my client's offers. As such, unless I hear from you tomorrow and we are moving toward resolution, I will begin enforcement proceedings and start working on the motion for attorney's fees.

I was hoping we could resolve this without using more of the Court's time, but unfortunately it appears that the BID is unwilling to engage in this process and more court orders are necessary.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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**EXHIBIT D**





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## Riskin v Larchmont OSC re compliance

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>  
To: Tom Cairns <jtcairns@ca.rr.com>

Sun, Oct 6, 2019 at 12:00 PM

Tom,

I am very disappointed that the BID failed to provide even a single declaration from staff or Board indicating the BID complied with Judge Strobel's order. Now I must proceed with preparing materials for an order to show cause for contempt because, despite your vague assertions, it appears the BID is ignoring the Judge's order. If the BID has complied, my suggestion is that you provide declarations to me ASAP as you may still avoid liability for costs and fees associated with the hearing, lodging filings, and personal service.

Thank you.

On Thu, Oct 3, 2019 at 6:00 PM Abenicio Cisneros <acisneros@capublicrecordslaw.com> wrote:

Tom,

Great. But, to be clear, if the BID does not have the declarations to me by close of business on Friday, I will need to begin working on the additional filings for the order to show cause. My hope is that the BID can provide the declarations so that it unnecessary.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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On Wed, Oct 2, 2019 at 10:54 PM <jtcairns@ca.rr.com> wrote:

I hope to have them to you by then.

**From:** Abenicio Cisneros <acisneros@capublicrecordslaw.com>  
**Sent:** Wednesday, October 2, 2019 1:25 PM  
**To:** Tom Cairns <jtcairns@ca.rr.com>  
**Subject:** Re: Riskin v Larchmont OSC re compliance

Tom,

I'm glad to hear that.



The extra materials from me are due in Court on Monday, October 7 (5 court days before our hearing on October 15). Therefore, I need the declarations by close of business this Friday. Otherwise, I'll need to prepare the filing to lodge with the Court on Monday.

Thank you.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
[acisneros@CApublicrecordslaw.com](mailto:acisneros@CApublicrecordslaw.com)  
(707) 653-0438

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On Sun, Sep 29, 2019 at 8:59 PM <[jtcairns@ca.rr.com](mailto:jtcairns@ca.rr.com)> wrote:

Abenicio.

Yes. The BID intends to furnish the declarations. No need to do unnecessary work.

Tom Cairns

**From:** Abenicio Cisneros <[acisneros@capublicrecordslaw.com](mailto:acisneros@capublicrecordslaw.com)>  
**Sent:** Sunday, September 29, 2019 10:00 AM  
**To:** Tom Cairns <[jtcairns@ca.rr.com](mailto:jtcairns@ca.rr.com)>  
**Subject:** Re: Riskin v Larchmont OSC re compliance

Tom,

I'm following up on this again. **Please respond to confirm whether or not the BID intends to provide the requested declarations**. As I've stated multiple times, I'd rather not make the court spend anymore time on this, and I'd rather not incur the additional hours it will take to compile the OSC materials Judge Strobel requested.

Thank you.



Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
[acisneros@CApublicrecordslaw.com](mailto:acisneros@CApublicrecordslaw.com)  
(707) 653-0438

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On Fri, Sep 27, 2019 at 4:51 PM Abenicio Cisneros <[acisneros@capublicrecordslaw.com](mailto:acisneros@capublicrecordslaw.com)> wrote:

Tom.

Following up on this again. It is my strong preference that we not utilize any more of the court's time on compliance in this matter.

Will the BID be providing declarations detailing the search for records it conducted or will my client be forced to lodge additional materials in support of the order to show cause re:contempt as Judge Strobel requested? As I mentioned before, if the BID simply provides the declarations to me, along with any additional records it has discovered, my client is amenable to taking the continued Ex Parte matter off calendar.

Further, my client is still willing to negotiate to resolve the BID's fee liability. Thus far, the BID has refused at every turn to negotiate - in fact, the BID has not provided even one offer or counter-offer - but my preference remains that we resolve fees via settlement without utilizing judicial resources. That is only possible if the BID is willing to engage in the negotiation process.

Thank you.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
[acisneros@CApublicrecordslaw.com](mailto:acisneros@CApublicrecordslaw.com)  
(707) 653-0438

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On Thu, Sep 26, 2019 at 8:14 PM Abenicio Cisneros <[acisneros@capublicrecordslaw.com](mailto:acisneros@capublicrecordslaw.com)> wrote:

Tom,

Just following up on this. Thank you.

Best,  
Abenicio Cisneros  
[CApublicrecordslaw.com](http://CApublicrecordslaw.com)  
[acisneros@CApublicrecordslaw.com](mailto:acisneros@CApublicrecordslaw.com)  
(707) 653-0438

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On Wed, Sep 25, 2019 at 7:00 PM Abenicio Cisneros <[acisneros@capublicrecordslaw.com](mailto:acisneros@capublicrecordslaw.com)> wrote:

Tom,

Is there any update on the BID's compliance with the Judge's order. I'd prefer to not incur the additional time required to draft the more in-depth OSC Judge Strobel requested. If the BID can provide the declarations you promised me before, and that Judge Strobel has ordered now, along with any additional records it locates, we'd be amenable to taking the subsequent OSC off calendar.

Let me know.

Best,  
Abenicio Cisneros  
[CApublicrecordslaw.com](http://CApublicrecordslaw.com)  
[acisneros@CApublicrecordslaw.com](mailto:acisneros@CApublicrecordslaw.com)  
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| | | | | you for your cooperation

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Best,  
Abenicio Cisneros  
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**EXHIBIT E**





Abenicio Cisneros <acisneros@capublicrecordslaw.com>

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## Notice of Ex Parte Hearing on Order to Show Cause re: Contempt

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**Abenicio Cisneros** <acisneros@capublicrecordslaw.com>

Mon, Oct 7, 2019 at 3:35 PM

To: Tom Cairns <jtcairns@ca.rr.com>

Mr. Cairns,

By this email, I am giving notice to the BID that Petitioner Riskin is going to appear Ex Parte to seek an Order to Show Cause why the BID should not be held in contempt for failing to produce records in compliance with Judge Strobel's June 17, 2019 order in this matter.

Petitioner Riskin will appear Ex Parte on Tuesday, October 15, at 9:30 a.m. or as soon thereafter as can be heard, in Department 82, at Stanley Mosk Courthouse, 111 N. Hill Street, Los Angeles, California 90012.

I will be appearing telephonically.

Please respond to this email informing me whether the BID intends to appear to oppose the application.

Please contact me if you have any questions.

Best,  
Abenicio Cisneros  
CApublicrecordslaw.com  
acisneros@CApublicrecordslaw.com  
(707) 653-0438

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